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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

David Allen Harbour,

Defendant.

No. CR-19-00898-001-PHX-DLR

**UNITED STATES' OPPOSITION TO
DEFENDANT'S MOTION TO MODIFY
CONDITIONS OF RELEASE**

[Doc. 955]

The Court should deny the Defendant's motion to modify his release conditions for several key reasons.

First, the numerous victims of his long-term fraud schemes oppose any changes that would grant him internet access.

Second, the Court should not allow Harbour access to the internet under any circumstances. Importantly, his supervising officer should not have this added burden of monitoring his use of the internet. During the trial, substantial evidence showed that he used the internet to facilitate his fraud (PSR ¶ 17). For instance, he created an email for the deceased Pat Spaulding, hijacked Kenneth Bobrow's phone to mislead victim Turasky, and sent emails from his former bookkeeper, Laura Purifoy. He has already violated his release conditions by committing bank fraud, engaging in unauthorized financial transactions, and having unauthorized contact with a victim (Doc. 346). Additionally, this Court, after trial,

1 found that he tampered with witnesses while on pretrial release. This history demonstrates
2 that he does not deserve relaxed release conditions.

3 Third, as noted in the defense filing, the Court previously provided him with a
4 standalone computer without internet access to assist in his defense while in custody. It is
5 unclear why this cannot be done again. The government disagrees with the assertion that
6 he cannot receive hard copies of the record. Harbour filed numerous post-trial motions that
7 relied heavily on the record and assisted his trial counsel in reviewing it. He is already
8 familiar with key witnesses and arguments. Specific transcripts could be provided to him,
9 or he could direct his appellate counsel to the relevant excerpts. Many defendants in
10 custody pending appeal, who, unlike Harbour, have not violated several release conditions,
11 can assist their counsel without internet access.

12 Fourth, regarding employment while Harbour is out of custody pending appeal, it is
13 unclear what type of employment he is seeking. Given the nature of his fraud convictions
14 and the harm caused to victims, he should not be allowed internet access to search for work.

15 Fifth, his request to leave home for exercise should also be denied. He is not pre-
16 conviction on home detention; he is a convicted felon who has already violated release
17 conditions. It is unknown who he would encounter at an exercise facility, and he should be
18 able to exercise at home, as was common during the COVID-19 pandemic.

19 Finally, the government has no objection to a location monitoring device being
20 removed prior to medical procedures with permission of his supervised release officer.

21 Respectfully submitted this 24th day of July 2025.

22
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CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following CM/ECF registrants:

Jami Johnson
Attorney for Defendant

s/D. Parke
U.S. Attorney's Office